

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

GLENN A. HARRIS, #24053-056,

Petitioner,

v.

ACTION NO. 2:13cv596

WARDEN ERIC WILSON,

Respondent.

FINAL ORDER

Petitioner, a federal inmate, submitted a pro se petition pursuant to 28 U.S.C. § 2241. ECF No. 1. The petition alleges violation of federal rights pertaining to Petitioner's convictions in the District Court for the Eastern District of North Carolina for two counts of possession with intent to distribute crack cocaine. As a result of the convictions, Petitioner was sentenced on August 8, 2005 to 188 months in prison.

The petition was referred to a United States Magistrate Judge for report and recommendation pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Local Civil Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia. The Magistrate Judge's Report and Recommendation filed July 15, 2015, recommends that the petition for writ of habeas corpus be denied and dismissed because Petitioner should have filed his petition pursuant to 28 U.S.C. § 2255, and this Court has no jurisdiction over a successive § 2255 petition. Petitioner was advised that to continue with his § 2255 petition, he must request permission to file

a successive petition from the Fourth Circuit. The instructions and form for filing a “Motion Under 28 U.S.C. § 2244 for Order Authorizing District Court to Consider Second or Successive Application for Relief Under 28 U.S.C. §§ 2254 or 2255” were attached to the Report and Recommendation. The Court has received no objections to the Report and Recommendation and the time for filing objections has expired.

The Court does hereby accept the findings and recommendations set forth in the Report and Recommendation, and it is therefore ORDERED that Respondent’s Motion to Dismiss (ECF No. 10) be GRANTED, and that the petition (ECF No. 1) be DENIED and DISMISSED. It is further ORDERED that judgment be entered in favor of Respondent.

Petitioner may appeal from the judgment entered pursuant to this Final Order by filing a written notice of appeal with the Clerk of this court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within sixty days from the date of entry of such judgment.

The Clerk shall mail a copy of this Final Order to Petitioner and to counsel of record for Respondent.

/s/ 

Mark S. Davis
United States District Judge

Mark S. Davis
UNITED STATES DISTRICT JUDGE

Norfolk, Virginia
September 16, 2015